Arizona
Child Abuse Reporting

Who do I contact to report an incident in Arizona?

(1) Arizona Child Abuse Hotline 1-888-SOS-CHILD (1-888-767-2445), a peace officer, a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.

(2) Mandated reports only now have the option of filing a report online as well. **Arizona, Stats. §§ 13-3620 et seq.**

If you believe a child is in immediate danger, call 911.

How much time do I have to report an incident?

Arizona requires reports be made immediately. **Arizona, Stats §§ 13-3620(A) and 13-3620(D)**.

How is child abuse defined in Arizona?

"Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidence by severe anxiety, depression, withdrawal, or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child.

Abuse includes:

a. Inflicting or allowing sexual abuse pursuant to section 13-1404[i] sexual conduct with a minor pursuant to section 13-1405[ii], sexual assault pursuant to section 13-1406[iii], molestation of a child pursuant to section 13-1410[iv], commercial sexual exploitation of a minor pursuant to section 13-3552[v], sexual exploitation of a minor pursuant to section 13-3553[vi], incest pursuant to section 13-3608[vii], or child sex trafficking pursuant to section 13-3212.[viii]

b. Physical injury that results from permitting a child to enter or remain in a structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in section 13-3401.

c. Unreasonable confinement of a child. **Arizona, Stats 8-201**.

How is child neglect defined in Arizona?

"Neglect" or "neglected" means:

a. The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

b. Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug as defined in section 13-3401.

c. A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance listed in section 13-3401 and that this exposure was not the result of a medical treatment administered to the mother of the newborn infant by a health professional. This subdivision does not expand a health professional's duty to report neglect based on prenatal exposure to a drug or substance listed in section 13-3401 beyond the requirements prescribed pursuant to section 13-3620, subsection E.
d. Diagnosis by a health professional of an infant under one year of age with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects.
e. Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct as defined in section 13-3551[ix] or to sexual contact [x], oral sexual contact[xi] or sexual intercourse as defined in 13-1401[xii], bestiality as prescribed in section 13-1411[xiii] or explicit sexual materials as defined in section 13-3507.[xiv]
f. Any of the following acts committed by the child's parent, guardian or custodian with reckless disregard as to whether the child is physically present: (i) Sexual contact[xv], (ii) Oral sexual contact[xvi] (iii) Sexual intercourse[xvii] (iv) Bestiality.[xviii] **Arizona Stats 8-201.**

Who is a mandatory reporter in Arizona?

"Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor. For the purposes of this subsection, 'person' means

1. Any physician; physician's assistant, optometrist, dentist, osteopathic physician, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
2. Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner.
3. The parent, stepparent or guardian of the minor.
4. School personnel, domestic violence victim advocates or sexual assault victim advocates who develop the reasonable belief in the course of their employment.
5. Any other person who has a responsibility for the care of treatment of the minor. Any person who is employed as the immediate or next higher level supervisor to or administrator of a person listed in 1, 2, 4, or 5 of this subsection and who develops the

reasonable belief in the course of the supervisor's or administrator's employment, except that if the supervisor or administrator reasonably believes that the report has been made by a person who is required to report in paragraph 1, 2, 4, or 5 of this subsection, the supervisor or administrator is not required to report pursuant to this paragraph." **Arizona, Stats. § 13-3620**.

Are Clergy mandatory reporters in Arizona?
Yes.

Is there an exception for penitential communication in Arizona?
Yes, if the communication is received as a confession, see below.

"A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor." **Arizona, Stats. § 13-3620**.

Where can I find Arizona law on child abuse?
https://dcs.az.gov/report-child-abuse and https://www.azleg.gov

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[i] (A) A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is 15 or more years of age without consent of that person or with any person who is person who is under 15 years of age if the sexual contact involves only the female breast. (B) It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was 15, 16, or 17 years of age and the defendant was in a position of trust.

[ii] A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral contact with any person who is under 18 years of age.

[iii] A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person

[iv] A person commits molestation of a child by intentionally or knowingly engaging in causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under 15 years of age

[v] A person commits commercial sexual exploitation of a minor by knowingly: 1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct. 2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain. 3. Permitting a minor under the person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct. 4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engages in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct. 5. Using an advertisement for prostitution as defined in 13-3211 that contains a visual depiction of a minor.

[vi] A person commits sexual exploitation of a minor by knowingly: 1. Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct. 2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically

transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct

[vii] Persons who are 18 or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony

[viii] A person commits child sex trafficking by knowingly: 1. Causing any minor to engage in prostitution. 2. Using any minor for the purposes of prostitution. 3. Permitting a minor who is under the person's custody or control to engage in prostitution. 4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution. 5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor. 6. Financial, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor. 7. Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution. 8. Providing a means by which a minor engages in prostitution. 9 Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance. 10. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.

[ix] sexual conduct means actual or stimulated: (a) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-annual, whether between persons of the same or opposite sex. (b) Penetration of the vagina or rectum by an object except when done as part of a recognized medical procedure. (c) Sexual bestiality. (d) Masturbation, for the purpose of sexual stimulation of the viewer. (e) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer. (f) Defecation or urination for the purpose of sexual stimulation of the viewer.

[x] defined as (a) any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. (b) Does not include direct or indirect touching or manipulating during caretaking responsibilities, or interactions with a minor that an objective, reasonable person would recognize as normal and reasonable under the circumstances.

[xi] Oral contact with the penis, vulva or anus.

[xii] Penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

[xiii] Bestiality as prescribed as knowingly doing either of the following (1.) Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal. (2.) Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.

[xiv] "(A). It is unlawful for any person knowingly to place explicit sexual material upon public display, or knowingly to fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence. (B) A person who violates any provision of this section is guilty of a class 6 felony. (C) 1. Explicit sexual material means any drawing, photograph, film negative, motion picture, figure, object, novelty device, recording, transcription or any book, leaflet, pamphlet, magazine, booklet or other item, the cover of contents of which depicts human genitalia or depicts or verbally describes nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is harmful to minors. Explicit sexual material does not include any depiction or description which, taken in context, possesses serious educational value for minors or which possesses serious literary artistic, political, or scientific value. 2. Public display means the placing of material on or in a billboard, viewing screen, theater marquee, newsstand, display rack, vending machine, window, showcase, display case or similar place so that material within the definition of paragraph 1 of this subsection is easily visible or readily accessible from a public thoroughfare, from the property of others, or in any place where minors are invited as part of the general public.

[xv] (a) any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. (b) Does not include direct or indirect touching or manipulating during caretaking responsibilities, or interactions with a minor that an objective, reasonable person would recognize as normal and reasonable under the circumstances responsibilities, or interactions with a minor that an objective, reasonable person would recognize as normal and reasonable under the circumstances.

[xvi] Oral contact with the penis, vulva or anus.

[xvii] Penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.
[xviii] Knowingly doing either of the following (1.) Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal. (2.) Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.